IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20036 of 2004

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Between:

K.Srihari Rao & Company Lime & Lime Stone Suppliers,
G.No.B-25, SPM Colony, Siripur Kagaznagar, Adilabad

District rep., by its Proprietor K.Srihari Rao,

S/o K.Raghunatha Rao,

..... PETITIONER

AND

-

Employees Provident Fund Organisation,

Ministry of Labour, Government of India,

rep., by its Assistant Provident Fund Commissioner,

Sub Regional Office, A.P.S.F.C. Building,

Balasamudram, Hanamkonda, Warangal District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring proceedings No.AP/WGL/Circle-8/Damages/AP/4563/ CA/531 dt.28-6-2004 and the consequential prohibitory order No.AP/SRO/WGL/P.D.Cell/4563/816, dt.20-9-2004 as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.E.SREENIVASA RAO

Counsel for Respondent: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following :

ORDER:

The demand notice dated 28-06-2004 issued to the petitioner pursuant to the order

passed under Sections 7-A and 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for shot 'the Act') is the subject matter of challenge in the present writ petition.

Against the order passed under Section 7-A of the Act, proper remedy for the petitioner is to file an appeal before the appellate Tribunal. Without questioning the assessment order as well as the penal damages levied, if any, he cannot question the consequential demand notices issued thereon. If the petitioner is aggrieved by the said assessment order, it is open for him to file an appeal before the appellate Tribunal.

In view of the same, interest of justice will be met, if the petitioner deposits 50% of the amount so demanded within a period of eight weeks from today, no further steps shall be taken pursuant to the assessment orders subject to petitioner filing an appeal against the said orders. In the event of such an appeal is filed before the appellate Tribunal, the same has to be disposed of by the appellate Tribunal without insisting the petitioner for deposit of 75% of the due amount.

The Writ Petition is accordingly disposed of. No costs.

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A. Gopal Reddy, J.

2nd November, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Assistant Provident Fund Commissioner,

Employees Provident Fund Organisation,

Ministry of Labour, Government of India,

Sub Regional Office, A.P.S.F.C. Building,

Balasamudram, Hanamkonda, Warangal District.

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